

**AGENDA  
BOARD OF SELECTMEN  
August 17, 2010  
7:00 p.m.  
Town Building**

**Public Input**

**Chairman's Comments**

**Town Administrator's Report**

**Meeting Minutes**

**Visitors**

7:10 p.m. Recreation Commission appointment

**Action/Discussion**

Lower Village traffic/pedestrian safety RFP

Priorities review

Potential Standard Operating Procedures topics

**Public Hearing**

8:00 p.m. Hours of Sunday liquor sales for On-premises Licensees

**Liaison Reports, if any**

**Correspondence**

**Adjournment**

Posted 8/12/10

**Correspondence**

**Town:**

Comcast Semiannual payment for cable TV license (\$18,356.70), rec'd 7/30

CC of Minuteman Regional FY2011 assessments to member towns, rec'd 7/30

CC of Light Pollution Study Committee memo on Town Building crosswalk lighting, rec'd 7/30

MassHighway storm damage inspection of Box Mill Rd bridge over Elizabeth Brook, rec'd 8/2

CC of Lower Village Committee memo to Public Safety on reducing speed, rec'd 8/2

ZBA request for input on Stow Elderly Housing Corp permit application for Plantation II apartments, rec'd 8/3

CC of SEHC letters to DHCD and HUD re abutter's input to same, rec'd 8/3

Email on Boxborough Deer Study Committee, rec'd 8/5

Emails from Lake Boon Commission re Aug 17 Selectmen's meeting on drawdown, rec'd 8/5-8/6

CC of amended Wetland Protection Act Order of Conditions re elementary school project, rec'd 8/6

Disclosure of Appearance of Conflict of Interest by Selectman, rec'd 8/6

Notice of new legislation on CORI checks and job applications, rec'd 8/9

CCs of SEHC letters to ZBA re engineering and legal matters, rec'd 8/9

Email from Acton Selectman/ARRT liaison on MPO TIP, rec'd 8/10

Email from Villages at Stow resident re safety concerns, rec'd 8/11

Building Permits Report for July, rec'd 8/11

CC of Planning Board letter to legislators re Senate Bill 2482 on land use, rec'd 8/11

ZBA notice of decisions for 103 Kingland and 120 Barton roads, rec'd 8/12

Letter of interest in Historical Commission, rec'd 8/12

Disclosure of Financial Interest by Special Municipal Employee, rec'd 8/12

Verizon quarterly payment for cable TV license (\$4,727.99), rec'd 8/12

**General:**

DCR request to participate in survey on zoning of DCR lands, 9/3/ deadline, rec'd 7/30

Comcast notice of service changes, rec'd 8/2

Notice of Sep 7 MBTA Advisory Board meeting, rec'd 8/4

City of Lowell letter to cites and towns re home rule petitions on healthcare costs, rec'd 8/4

Comcast notice of service changes, rec'd 8/9

Request from United Nations Assn of Great Boston to recognize UN's 65<sup>th</sup> anniversary, rec'd 8/10

Foundation for Metrowest 2009 Annual Report, rec'd 8/12



Town of Stow  
**BOARD OF SELECTMEN**

Stow Town Building  
380 Great Road  
Stow, Massachusetts 01775  
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

**NOTICE OF VACANCY**

**RECREATION COMMISSION**

**Two members**

**Duties:** To provide and promote recreational services for residents of Stow. To administer current programs, such as town beach, skiing, basketball, etc.

**Qualifications:** Registered voter of Stow. Interest in recreation for townspeople of all ages. A commitment of time to attend monthly meetings as well as for special assignments.

**Term:** Appointment by Board of Selectmen for a one-year term, ending June 30, 2011.

**Application:** The Board of Selectmen will accept letters of application until 5:00 pm on Wednesday, July 28, 2010.

Posted July 6, 2010

## Stow Selectmen's Office

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**From:** Josh Schiering [jschiering@linux-usa.com]  
**Sent:** Monday, July 26, 2010 4:32 PM  
**To:** mike.busch@comcast.net; selectmen@stow-ma.gov  
**Subject:** Stow Recreation Commission

Dear Selectmen,

I have been a town resident for 7 years and am an active community member and volunteer for most of my children's leagues and teams. I recently learned of the position on the Rec Commission and am interested in doing my part to give back to my community even more. Most of my professional experience has centered around professional youth program development and recreational enrichment. I currently serve as the Vice President for LINX, LLC - a private enrichment company. In this role I am responsible for starting up a summer day camp in Wellesley/Dover. I have created relationships with 4 different state agencies, overseen more than six construction crews and managed all marketing, staffing and program development. In two short years the program has grown to 2000 summer members and a staff of 80. I am confident that my professional training and passion for our town will help the rec commission as they move forward.

Please feel free to contact me with any questions.

Best,  
Josh  
978-855-7404

Mike Busch wrote:

> Hi Josh,  
>  
> If you are still interested in being appointed by the Stow Selectmen to the  
> Stow Recreation Commission here is how to do it.  
>  
> Write a brief email to selectmen@stow-ma.gov which indicates you are  
> interested and a couple of things that you think would qualify you.  
>  
> CC me on the email and I will follow up with an email endorsing you.  
>  
> There are currently two positions open posted until July 28. If you can send  
> the email before then you can get in during this posting period.  
>  
> Thanks,  
>  
> Mike Busch  
>  
>

## Stow Selectmen's Office

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**From:** Mike Busch [mike.busch@comcast.net]  
**Sent:** Monday, July 26, 2010 5:17 PM  
**To:** Josh Schiering; selectmen@stow-ma.gov  
**Cc:** Jim Henry; John Sangermano; Bob Braceland  
**Subject:** RE: Stow Recreation Commission

Dear Selectmen,

I highly recommend Josh as a candidate to be appointed to the Stow Recreation Commission. His professional experience and active participation in current Stow Rec. activities qualify him to be a major asset to the Stow Rec. Commission. I have known Josh for many years and believe he will help improve and enhance Stow Recreation for all residents.

Regards,

Mike

-----Original Message-----

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>  
> Mike Busch  
>  
>

## Stow Selectmen's Office

---

**From:** timothy allaire [timallaire@green-capital.net]

**Sent:** Tuesday, July 27, 2010 1:55 PM

**To:** selectmen@stow-ma.gov

**Subject:** Greetings - Stow Rec Board Position

Greetings Susan,

Could you please forward this on for consideration...thank you.

I am writing to indicate my interest in a Board position for the Stow Recreation Commission.

I am currently an Associate Member on the Rec Commission and am seeking more input and contribution to grow recreation in Stow for all ages.

I was an active member on the Stow Park Implementation Team that developed Stow Park and have worked on rec issues for the past 3 years.

During those 3 years... I also spent an significant amount of time with Rec Commissions and Parent Rec Organizations in Bolton, Harvard, Lancaster and Sudbury.

With the assistance of a number of "basketball junkies" ...I "revived"we the Stow Youth Basketball program that will hopefully expand basketball opportunities for ALL ages in Stow in the coming years.

Happy summer to all of you.....

Many thanks, Tim

7/27/2010

## Stow Selectmen's Office

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**From:** Mike Busch [mike.busch@comcast.net]  
**Sent:** Wednesday, July 28, 2010 2:33 PM  
**To:** selectmen@stow-ma.gov; timallaire@green-capital.net  
**Cc:** John Sangermano; Bob Braceland; Jim Henry  
**Subject:** RE: Greetings - Stow Rec Board Position

Dear Selectmen,

Tim Allaire is an outstanding candidate for appointment to the Stow Recreation Commission. I have worked with Tim on the Stow Community Park Implementation team (ITeam) since the beginning and can't say enough about the devotion and hours he put into that project. He is good at planning, organizing, budgeting, fundraising and reinvigoration and starting new programs. He has been an Associate Member Of Stow Rec. for a number of years.

Tim is a pleasure to work with and would be a major asset to the Stow Recreation Commission.

Regards,

Mike

-----Original Message-----

**From:** Stow Selectmen's Office [mailto:selectmen@stow-ma.gov]  
**Sent:** Wednesday, July 28, 2010 9:35 AM  
**To:** timallaire@green-capital.net  
**Cc:** Mike Busch  
**Subject:** RE: Greetings - Stow Rec Board Position

Hi Tim,

Aug 17 is fine. Thanks.

Mike, fyi.

Susan

Susan McLaughlin  
 Phoebe Haberkorn  
 Selectmen's Office  
 Town of Stow  
 978-897-4515

-----Original Message-----

**From:** timallaire@green-capital.net [mailto:timallaire@green-capital.net]  
**Sent:** Tuesday, July 27, 2010 6:28 PM  
**To:** selectmen@stow-ma.gov  
**Subject:** Re: Greetings - Stow Rec Board Position

Travel overseas next week  
 Next meeting ok?

Sent from my Verizon Wireless BlackBerry

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**From:** "Stow Selectmen's Office" <selectmen@stow-ma.gov>  
**Date:** Tue, 27 Jul 2010 17:08:44 -0400  
**To:** <timallaire@green-capital.net>  
**ReplyTo:** <selectmen@stow-ma.gov>

7/29/2010

**Subject:** RE: Greetings - Stow Rec Board Position

Hi,  
Does Aug 3 at 7:15 work for you?  
Thanks, Tim.  
Susan

Susan McLaughlin  
Phoebe Haberkorn  
Selectmen's Office  
Town of Stow  
978-897-4515

-----Original Message-----

**From:** timallaire@green-capital.net [mailto:timallaire@green-capital.net]  
**Sent:** Tuesday, July 27, 2010 5:02 PM  
**To:** selectmen@stow-ma.gov  
**Subject:** Re: Greetings - Stow Rec Board Position

Thanks!

Sent from my Verizon Wireless BlackBerry

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**From:** "Stow Selectmen's Office" <selectmen@stow-ma.gov>  
**Date:** Tue, 27 Jul 2010 14:30:12 -0400  
**To:** timothy allaire<timallaire@green-capital.net>  
**ReplyTo:** <selectmen@stow-ma.gov>  
**Subject:** RE: Greetings - Stow Rec Board Position

Hi Tim,  
Wanted to let you know that I rec'd this and will forward to the Selectmen.

Would you be available to visit the Board at its next meeting, Tuesday, August 3, at about 7:30 pm?

Thanks!  
Susan

Susan McLaughlin  
Phoebe Haberkorn  
Selectmen's Office  
Town of Stow  
978-897-4515

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7/29/2010



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Happy summer to all of you.....

Many thanks, Tim



Town of Stow  
**BOARD OF SELECTMEN**

Stow Town Building  
380 Great Road  
Stow, Massachusetts 01775  
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

**Notice Of Public Hearing**  
**Hours of Sunday Liquor Sales for On-premise Licensees**

The Board of Selectmen will hold a public hearing on Tuesday, August 17, 2010 at 8:00 pm in the Town Building, 380 Great Road, Stow, MA on the question of changing the Town of Stow's permitted hours for serving alcoholic beverages on Sundays.

A new law amending M.G.L. c. 138, §33B authorizes local liquor licensing authorities (Board of Selectmen) to permit on-premise licensees (restaurants) to sell alcoholic beverages beginning at 10:00 a.m. on Sundays. The Town of Stow currently permits restaurants to begin serving liquor at 11:00 a.m.

At the conclusion of the public hearing, the Board will decide whether to change the start time of Sunday alcohol sales in restaurants from 11:00 a.m. to 10:00 a.m.

All concerned residents and business owners are encouraged to attend to present their views. Comments may also be sent in writing but must be received before the public hearing to be considered.

For more information about the Commonwealth's liquor licensing regulations, see the Alcoholic Beverages Control Commission website, <http://www.mass.gov/abcc/>.

For questions about the hearing, contact the Board of Selectmen's office at 897-4515 or [selectmen@stow-ma.gov](mailto:selectmen@stow-ma.gov).

Laura Y. Spear  
Chairman, Board of Selectmen

Posted 7/28/10  
The Stow Independent  
One time: 8/4/10 issue



Town of Stow  
**BOARD OF SELECTMEN**

Stow Town Building  
380 Great Road  
Stow, Massachusetts 01775  
(978) 897-4515 selectmen@stow-ma.gov Fax (978) 897-4631

July 30, 2010

Dear Alcoholic Beverages License Holders,

As you already may be aware, the Alcoholic Beverages Control Commission recently announced changes to the law regarding Sunday Sales hours for alcoholic beverage license holders. The new law, effective July 1, 2010, is an amendment of MGL chapter 138, section 33B. It grants local licensing authorities (LLAs) the discretionary authority to expand the permissible hours of sale of alcoholic beverages on Sundays, beginning at 10 AM.

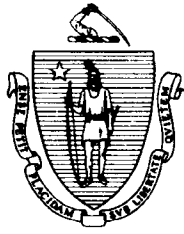
However, in order to take advantage of this law, the town is required to "opt into" it, as the ABCC information states. To do this, the town must hold a public hearing that complies with the Open Meeting Law in order to grant the new, expanded discretionary hours of sale.

This letter is to inform you that the Selectmen will be holding a public hearing on this matter during their regular meeting to be held on Tuesday, August 17, 2010, at 8 PM at the Town Building. The enclosed hearing notice has more details, and contact information for the ABCC and the Selectmen's office should you need it.

Yours truly,

Susan McLaughlin  
Administrative Assistant  
Board of Selectmen and Town Administrator

Enclosures:  
Public Hearing Notice  
ABBC web site information re: Sunday Sales hours



Commonwealth of Massachusetts  
Department of the State Treasurer  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
Telephone: (617) 727-3040  
Fax: (617) 727-1258

Timothy P. Cahill  
Treasurer and Receiver General

Kim S. Gainsboro  
Chairman

THE ALCOHOLIC BEVERAGES CONTROL COMMISSION MEMORANDUM ON 10 a.m.  
SUNDAY SALES BY §12 LICENSE HOLDERS

Effective July 1, 2010, a new law amending M.G.L. c. 138, §33B authorizes local liquor licensing authorities ("LLA") to permit M.G.L. c. 138, §12 licensees to sell alcoholic beverages at 10 a.m. on Sundays. On July 2, 2010, the Alcoholic Beverages Control Commission issued an Advisory on the recent change to the law that controls Sunday Sales by §12 licensees. Since the ABCC issued the advisory, it has continued to receive inquiries from local licensing authorities ("LLAs") and attorneys on the process required to implement this change.

The amendment grants LLA's the discretionary authority to expand the permissible hours of sale of alcoholic beverages on Sundays. In order to take advantage of the law, each city or town must "opt into" it. Once a city or town has "opted in" the LLA's have discretion to allow any or every §12 licensee in their community to sell alcoholic beverages on Sundays, starting at 10 a.m.

Four (4) steps are necessary to implement this change and allow any or every §12 licensee to sell alcoholic beverages at 10 a.m. on Sundays.

- Step 1: M.G.L. c. 138, § 33B, as most recently amended, must be accepted and "activated" in the community.
- Step 2: Once the amended law has been "activated" in the community, the LLA must decide how it will administer its newly expanded discretionary hours of sale. Each LLA may choose to grant these discretionary hours of sale
- (a) to every §12 licensee to sell at the maximum hours now authorized by §33B or
  - (b) to wait for applications by each individual §12 licensee and thereby choose whether to grant the additional discretionary hours of sale on a case-by-case basis.
- Step 3: The LLA must hold a hearing that complies with the Open Meeting Law to grant the newly expanded discretionary hours of sale to any or every §12 licensee.
- Step 4: ABCC approval for these discretionary hours of sale is not required; but as always the LLA must forward an informational "Form 43" with the Sunday hours of sale to the ABCC. A §12 license holder who is denied the discretionary hour of sale may not appeal that denial to the ABCC.

The ABCC does not take a legal position or interpretation of the process required by M.G.L. c. 138, §33B, and defers to legal counsel for the individual cities and towns to advise the LLA on the process required to administer this recent change. However, any LLA that currently grants 11 a.m. openings to §12 licensees may wish to review its municipal records to determine the process previously taken to effectuate § 33B in the community. The prior action taken to accept the earlier version of §33B (first enacted in 1979) may already give the LLA the legal discretion to consider granting 10 a.m. openings. For example, the LLA or other municipal body may have previously voted to accept the provisions of M.G.L. c. 138, §33B thereby also accepting this most recent 2010 amendment. If however, the LLA or other municipal body did not previously vote to accept the provisions of M.G.L. c. 138, § 33B, but voted only to authorize 11 a.m. openings on Sundays, then a further process is required to effectuate the additional hour of sale on Sundays.

Individuals with questions concerning this Memorandum or the previous Advisory and the new Sunday Sales law may contact, the ABCC at 617-727-3040 x 31.

(Issued: Tuesday July 13, 2010)

**Town of Stow, Massachusetts**  
**Regulations Governing the Sale of Alcoholic Beverages**

**Restaurants:** Liquor may be sold or served between the hours of 8:00 A.M. and 1:00 A.M. the following day.

Exceptions:

- On Saturdays, no liquor may be sold or served after the hour of 1:00 A.M. of the following Sunday.
- On Sundays, liquor may be sold or served between the hours of 11:00 A.M. and 1:00 A.M. of the following day.
- Liquor may be sold or served on all holidays between the hours of 8:00 A.M. and 1:00 A.M. of the following day, except on Memorial Day and Christmas Day. Liquor may be sold only between the hours of 12:00 noon and 1:00 A.M. of the following day on Memorial Day and Christmas Day.
- On December 31, sales or service may continue until 2:00 A.M. January 1 provided New Year's Day falls on a secular day. However, if January 1 falls on a Sunday, sales or service may continue only until 1:00 A.M.
- On July 3, sales or service may continue until 2:00 A.M. July 4. However, if July 4 falls on a Sunday, sales or service may continue only until 1:00 A.M.
- On Election Day and Primary Day, license holders may open and close at the regular hours.
- All liquor shall be removed from the tables and bars and disposed of within thirty (30) minutes after closing hour.

**Package Stores:** Monday through Saturday, stores may not open earlier than 8:00 A.M. and may not remain open later than 11:00 P.M. Stores may open at 12:00 noon on Sundays, per Acts of 2004, Chapter 65, sections 21-22.

Exceptions:

- May remain open until 11:30 P.M. on any business day which immediately precedes a holiday.
- May be open the usual hours on all holidays except Memorial Day, Thanksgiving, and Christmas Day, on which days stores must remain closed all day.
- On Election Day and Primary Day, stores may open and close at the regular hours.

**All Businesses:** All outside sign lights must be extinguished at the closing hour. Your cooperation is requested as failure to comply with the above regulations may mean the suspension or revocation of your license.

STOW BOARD OF SELECTMEN  
December 2008